

House Daily Reader

Friday, February 04, 2005

[illegible]

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

553L0351

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1095** -
02/02/2005

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Dykstra, Cutler, Davis, Elliott, Hackl, Kraus, Miles, Murschel, Rave, and Tornow and Senators Duenwald, Adelstein, and Dempster

1 FOR AN ACT ENTITLED, An Act to provide for a drug screening program for certain facilities
2 providing patient or resident care or supervision.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 1-36A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The commissioner of the Bureau of Personnel shall establish and implement a drug
7 screening program for applicants who seek positions at the Human Services Center or the South
8 Dakota Developmental Center whose primary duty includes patient or resident care or
9 supervision. The commissioner may establish and implement a drug screening program for
10 employees holding positions at the Human Services Center or the South Dakota Developmental
11 Center whose primary duty includes patient or resident care or supervision, based upon
12 reasonable suspicion of illegal drug use by any such employee.

13 Section 2. That chapter 1-36A be amended by adding thereto a NEW SECTION to read as



1 follows:

2 Any printed public announcement or advertisement soliciting applications for employment
3 at the South Dakota Human Services Center or South Dakota Developmental Center for a
4 position in which the primary duty includes patient or resident care or supervision, shall include
5 a statement of the requirements of the drug screening program established pursuant to this Act.

6 Section 3. That chapter 1-36A be amended by adding thereto a NEW SECTION to read as
7 follows:

8 Individual test results and medical information collected pursuant to this Act are
9 confidential. This information may be revealed only as authorized by the commissioner of the
10 Bureau of Personnel. An applicant or employee may have access to the information or test
11 results upon written request to the commissioner.

12 Section 4. That chapter 1-36A be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Except as provided in section 3 of this Act, any person responsible for recording, reporting,
15 or maintaining medical information required pursuant to the provisions of this Act, who
16 knowingly or intentionally discloses or fails to protect medical information declared to be
17 confidential under section 3 of this Act, or who compels another person to disclose such medical
18 information, is guilty of a Class 2 misdemeanor.

19 Section 5. That chapter 1-36A be amended by adding thereto a NEW SECTION to read as
20 follows:

21 The commissioner of the Bureau of Personnel may promulgate rules, pursuant to chapter 1-
22 26, necessary to carry out the provisions of this Act with regard to:

- 23 (1) Listing of positions whose primary duty includes patient or resident care or
24 supervision;

- 1 (2) Substances to be screened;
- 2 (3) Drug screening procedures for applicants for positions at the South Dakota Human
- 3 Services Center or the South Dakota Developmental Center whose primary duty
- 4 includes patient or resident care or supervision;
- 5 (4) Drug screening procedures for employees at the South Dakota Human Services
- 6 Center or the South Dakota Developmental Center whose primary duty includes
- 7 patient or resident care or supervision;
- 8 (5) Procedures for collecting, analyzing, and evaluating test samples;
- 9 (6) Confidentiality of testing procedures;
- 10 (7) Referral for education or treatment;
- 11 (8) Consequences that may result from valid positive test results or from failure to
- 12 submit to a test.

13 Section 6. That chapter 27B-1 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Any adjustment training center shall have a drug screening policy for applicants seeking
16 employment whose primary duty includes patient or resident care or supervision. Any
17 adjustment training center shall have a drug screening policy for employees whose primary duty
18 includes patient or resident care or supervision, based upon reasonable suspicion of illegal drug
19 use by such employee. No adjustment training center may have a drug screening policy that is
20 less stringent than the drug screening program adopted pursuant to this Act.

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

195L0196

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1110** - 02/02/2005

Introduced by: Representatives Tornow, Buckingham, Cutler, Koistinen, Krebs, McLaughlin, Michels, Miles, Murschel, Rounds, Thompson, and Van Norman and Senators Knudson, Earley, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the circumstances
2 under which absentee voting is permitted.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-19-2.1 be amended to read as follows:

5 12-19-2.1. At anytime prior to an election, a voter may apply in person to the person in
6 charge of the election for an absentee ballot during regular office hours up to 3:00 p.m. of the
7 day of the election. If the voter applies in person, the voter shall show the person in charge of
8 the election the voter's identification card as required in § 12-18-6.1 or complete the affidavit
9 as provided in § 12-18-6.2.

10 In the event of sickness or confinement, a qualified voter may apply pursuant to the
11 provisions of § 12-19-2 in writing for and obtain an absentee ballot by authorized messenger
12 so designated over the signature of the voter. The person in charge of the election may deliver
13 to the authorized messenger a ballot to be delivered to the qualified voter. An application for
14 a ballot by authorized messenger must be received by the person in charge of the election before



- 1 3:00 p.m. the day of the election. On the day of the election, any qualified voter may use the
- 2 authorized messenger provision.

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

671L0610

HOUSE TRANSPORTATION COMMITTEE ENGROSSED NO. **HB 1111** - 02/02/2005

Introduced by: Representatives Krebs, Buckingham, Dykstra, Lange, McLaughlin, Michels,
and Weems and Senators Olson (Ed), Abdallah, Bartling, Earley, Hundstad,
Koskan, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the records required
2 to be kept by certain dealers and to require that certain liens be paid by a dealer before a
3 vehicle, snowmobile, mobile or manufactured home, or boat is offered for sale, sold, or
4 exchanged.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That § 32-6B-20 be amended to read as follows:

7 32-6B-20. Each dealer licensed under the provisions of this chapter, shall keep books,
8 records, or files, in such form as prescribed or approved by the department. ~~The dealer shall~~
9 ~~keep a record of the purchase, sale, or exchange, of any vehicle, a description of the vehicle,~~
10 ~~together with the name and address of the owner or other person from whom the vehicle was~~
11 ~~purchased or received, and to whom it was sold or delivered. The description shall include the~~
12 ~~vehicle identification number, manufacturer's make and model, and odometer mileage. The~~
13 ~~dealer shall also possess a certificate of title from the previous owner of any vehicle not~~
14 ~~purchased from the manufacturer, from the time the vehicle is delivered to the dealer until it has~~



1 ~~been disposed of by the dealer. However, for any vehicle with a manufacturer's weight of sixteen~~
2 ~~thousand pounds or greater, if a copy of the front and back of any certificate of title which has~~
3 ~~been assigned to the dealer is kept at the location where the vehicle is being offered for sale, the~~
4 ~~certificate of title for the vehicle may be kept at another South Dakota dealership owned by the~~
5 ~~same dealer or kept by a lending institution. Prior to keeping any certificate of title at another~~
6 ~~dealership or at a lending institution, the dealer shall notify the department in writing where the~~
7 ~~certificate of title is to be kept. Such record shall be open to inspection by any peace officer or~~
8 ~~department dealer inspector, including the following:~~

9 (1) A record of the purchase, sale, or exchange, of any vehicle;

10 (2) A description of each vehicle purchased, sold, or exchanged, together with the name
11 and address of the owner or other person from whom the vehicle was purchased or
12 received and to whom it was sold or delivered. The description shall include the
13 vehicle identification number, manufacturer's make and model, and odometer
14 mileage; and

15 (3) A certificate of title from the previous owner of any vehicle not purchased from the
16 manufacturer, from the time the vehicle is delivered to the dealer until it has been
17 disposed of by the dealer.

18 The books and records and other papers and documents shall, at all times during business
19 hours of the day, be subject to inspection by the secretary of revenue and regulation.

20 Section 2. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as
21 follows:

22 A dealer is not required to keep a certificate of title for any vehicle with a manufacturer's
23 weight of sixteen thousand pounds or greater if a copy of the front and back of the certificate
24 of title which has been assigned to the dealer is kept at the location where the vehicle is being

1 offered for sale and the original certificate of title for the vehicle is kept at another South Dakota
2 dealership owned by the same dealer or kept by a lending institution.

3 Prior to keeping any certificate of title at another dealership or at a lending institution, the
4 dealer shall notify the department in writing where the certificate of title is to be kept.

5 Section 3. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as
6 follows:

7 A dealer may offer for sale, sell, or exchange a vehicle without a certificate of title if the
8 dealer complies with the following applicable provisions:

- 9 (1) The dealer has a record of purchase, sale, or exchange of a vehicle to include the
10 satisfaction of any outstanding liens or encumbrances and a secured power of
11 attorney;
- 12 (2) If the vehicle is encumbered by a lien noted on the title, the dealer shows that
13 payment has been tendered to the lienholder for the amount of the lien, except a lien
14 that is the result of dealer inventory financing; or
- 15 (3) If the dealer is required by law to obtain title prior to offering the vehicle for sale and
16 the dealer has applied for title through the electronic on-line title system and has
17 submitted the documents to the department.

18 This section does not relieve a dealer from the provisions of § 32-3-7.

19 Section 4. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as
20 follows:

21 If a person trades in a vehicle to a dealer or enters into a consignment agreement with a
22 dealer whereby the dealer will sell the vehicle and the vehicle has a lien noted on the title, the
23 dealer and person may agree that the dealer shall satisfy the lien amount by paying the lienholder
24 who is noted on the title. Failure to satisfy a lien pursuant to this section constitutes theft

1 pursuant to chapter 22-30A. The degree of theft is determined by the amount of the unsatisfied
2 lien. Multiple violations of this section occurring within any thirty-day period may be
3 aggregated in amount to determine the degree of theft.

4 Section 5. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a dealer enters into an agreement pursuant to section 4 of this Act, the dealer shall satisfy
7 the lien within ten business days after the receipt of funds. No dealer may offer the vehicle for
8 sale until payment has been tendered to the lienholder, except on a consigned vehicle, whereby
9 the dealer shall comply with the terms of the consignment agreement.

10 Section 6. That § 32-6C-6 be amended to read as follows:

11 32-6C-6. Any dealer licensed under the provisions of this chapter, shall keep books, records,
12 or files, in such form as prescribed or approved by the department. ~~The licensee shall keep a~~
13 ~~record of the purchase, sale, or exchange, of any snowmobile, a description of the snowmobile~~
14 ~~together with the name and address of the owner or other person from whom the snowmobile~~
15 ~~was purchased or received, and to whom it was sold or delivered. The description shall include~~
16 ~~the snowmobile serial number, manufacturer's make, and model. The dealer shall also have in~~
17 ~~his possession a certificate of title from the previous owner of any snowmobile not purchased~~
18 ~~from the manufacturer from the time the snowmobile is delivered to him until it has been~~
19 ~~disposed of by him. Such record shall be opened to inspection by any law enforcement officer~~
20 ~~or department inspector, including the following:~~

21 (1) A record of the purchase, sale, or exchange, of any snowmobile;

22 (2) A description of each snowmobile purchased, sold, or exchanged, together with the
23 name and address of the owner or other person from whom the snowmobile was
24 purchased or received and to whom it was sold or delivered. The description shall

1 include the snowmobile identification number and manufacturer's make and model;
2 and

3 (3) A certificate of title from the previous owner of any snowmobile not purchased from
4 the manufacturer, from the time the snowmobile is delivered to the dealer until it has
5 been disposed of by the dealer.

6 The books and records and other papers and documents shall, at all times during business
7 hours of the day, be subject to inspection by the secretary of revenue and regulation.

8 Section 7. That chapter 32-6C be amended by adding thereto a NEW SECTION to read as
9 follows:

10 A dealer may offer for sale, sell, or exchange a snowmobile without a certificate of title if
11 the dealer complies with the following applicable provisions:

12 (1) The dealer has a record of purchase, sale, or exchange of a snowmobile to include the
13 satisfaction of any outstanding liens or encumbrances and a secured power of
14 attorney;

15 (2) If the snowmobile is encumbered by a lien noted on the title, the dealer shall show
16 that payment has been tendered to the lienholder for the amount of the lien, except
17 a lien that is the result of dealer inventory financing; or

18 (3) If the dealer is required by law to obtain title prior to offering the snowmobile for sale
19 and the dealer has applied apply for title through the electronic on-line title system
20 and has submitted the documents to the department.

21 This section does not relieve a dealer from the provisions of § 32-3-7.

22 Section 8. That chapter 32-6C be amended by adding thereto a NEW SECTION to read as
23 follows:

24 If a person trades in a snowmobile to a dealer or enters into a consignment agreement with

1 a dealer whereby the dealer will sell the snowmobile and the snowmobile has a lien noted on
2 the title, the dealer and person may agree that the dealer shall satisfy the lien amount by paying
3 the lienholder who is noted on the title. Failure to satisfy a lien pursuant to this section
4 constitutes theft pursuant to chapter 22-30A. The degree of theft is determined by the amount
5 of the unsatisfied lien. Multiple violations of this section occurring within any thirty-day period
6 may be aggregated in amount to determine the degree of theft.

7 Section 9. That chapter 32-6C be amended by adding thereto a NEW SECTION to read as
8 follows:

9 If a dealer enters into an agreement pursuant to section 8 of this Act, the dealer shall satisfy
10 the lien within ten business days after the receipt of funds. No dealer may offer the snowmobile
11 for sale until payment has been tendered to the lienholder, except on a consigned snowmobile,
12 whereby the dealer shall comply with the terms of the consignment agreement.

13 Section 10. That § 32-7A-12 be amended to read as follows:

14 32-7A-12. ~~Every~~ Any dealer or manufacturer licensed under the provisions of this chapter,
15 shall keep a record, in such form as may be prescribed by the Department of Revenue and
16 Regulation. ~~The licensee shall keep a record of the purchase, sale or exchange, or receipt for the~~
17 ~~purpose of sale, of any mobile home or manufactured home. The licensee shall also keep a~~
18 ~~record of a description of the home together with the name and address of the seller, the~~
19 ~~purchaser, or other person from whom it was received or to whom it was delivered, including~~
20 the following:

- 21 (1) A record of the purchase, sale, or exchange, of any mobile or manufactured home;
22 (2) A description of each mobile or manufactured home purchased, sold, or exchanged,
23 together with the name and address of the owner or other person from whom the
24 mobile or manufactured was purchased or received and to whom it was sold or

1 delivered. The description shall include the mobile or manufactured home
2 identification number and manufacturer's make and model; and

3 (3) A certificate of title from the previous owner of any mobile or manufactured home
4 not purchased from the manufacturer, from the time the mobile or manufactured
5 home is delivered to the dealer until it has been disposed of by the dealer.

6 The books and records and other papers and documents shall, at all times during business
7 hours of the day, be subject to inspection by the secretary of revenue and regulation.

8 Section 11. That chapter 32-7A be amended by adding thereto a NEW SECTION to read
9 as follows:

10 A dealer may offer for sale, sell, or exchange a mobile or manufactured without a certificate
11 of title if the dealer complies with the following applicable provisions:

12 (1) The dealer has a record of purchase, sale, or exchange of a mobile or manufactured
13 home to include the satisfaction of any outstanding liens or encumbrances and a
14 secured power of attorney;

15 (2) If the mobile or manufactured home is encumbered by a lien noted on the title, the
16 dealer shall show that payment has been tendered to the lienholder for the amount of
17 the lien, except a lien that is the result of dealer inventory financing; or

18 (3) If the dealer is required by law to obtain title prior to offering the mobile or
19 manufactured home for sale and the dealer has applied for title through the electronic
20 on-line title system and has submitted the documents to the department.

21 This section does not relieve a dealer from the provisions of § 32-3-7.

22 Section 12. That chapter 32-7A be amended by adding thereto a NEW SECTION to read
23 as follows:

24 If a person trades in a mobile or manufactured home to a dealer or enters into a consignment

1 agreement with a dealer whereby the dealer will sell the mobile or manufactured home and the
2 mobile or manufactured home has a lien noted on the title, the dealer and person may agree that
3 the dealer shall satisfy the lien amount by paying the lienholder who is noted on the title. Failure
4 to satisfy a lien pursuant to this section constitutes theft pursuant to chapter 22-30A. The degree
5 of theft is determined by the amount of the unsatisfied lien. Multiple violations of this section
6 occurring within any thirty-day period may be aggregated in amount to determine the degree of
7 theft.

8 Section 13. That chapter 32-7A be amended by adding thereto a NEW SECTION to read
9 as follows:

10 If a dealer enters into an agreement pursuant to section 12 of this Act, the dealer shall satisfy
11 the lien within ten business days after the receipt of funds. No dealer may offer the mobile or
12 manufactured home for sale until payment has been tendered to the lienholder, except on a
13 consigned mobile or manufactured home, whereby the dealer shall comply with the terms of the
14 consignment agreement.

15 Section 14. That § 32-7B-9 be amended to read as follows:

16 32-7B-9. Any dealer licensed under the provisions of this chapter, shall keep books, records,
17 or files, in such form as prescribed or approved by the department. ~~The licensee shall keep a~~
18 ~~record of the purchase, sale or exchange, of any boat, a description of the boat together with the~~
19 ~~name and address of the owner or other person from whom the boat was purchased or received,~~
20 ~~and to whom it was sold or delivered for a period of five years. The description shall include~~
21 ~~the boat serial number, manufacturer's make and model. The dealer shall also have in possession~~
22 ~~a certificate of title from the previous owner of any boat not purchased from the manufacturer~~
23 ~~from the time the boat is delivered to the dealer until it has been disposed of by the dealer. Such~~
24 ~~record shall be opened to inspection by any law enforcement law officer or department~~

1 inspector, including the following:

2 (1) A record of the purchase, sale, or exchange, of any boat;

3 (2) A description of each boat purchased, sold, or exchanged, together with the name and
4 address of the owner or other person from whom the boat was purchased or received
5 and to whom it was sold or delivered. The description shall include the boat
6 identification number and manufacturer's make and model; and

7 (3) A certificate of title from the previous owner of any boat not purchased from the
8 manufacturer, from the time the boat is delivered to the dealer until it has been
9 disposed of by the dealer.

10 The books and records and other papers and documents shall, at all times during business
11 hours of the day, be subject to inspection by the secretary of revenue and regulation.

12 Section 15. That chapter 32-7B be amended by adding thereto a NEW SECTION to read as
13 follows:

14 A dealer may offer for sale, sell, or exchange a boat without a certificate of title if the dealer
15 complies with the following applicable provisions:

16 (1) The dealer has a record of purchase, sale, or exchange of a boat to include the
17 satisfaction of any outstanding liens or encumbrances and a secured power of
18 attorney;

19 (2) If the boat is encumbered by a lien noted on the title, the dealer shall show that
20 payment has been tendered to the lienholder for the amount of the lien, except a lien
21 that is the result of dealer inventory financing; or

22 (3) If the dealer is required by law to obtain title prior to offering the boat for sale and
23 the dealer has applied for title through the electronic on-line title system and has
24 submitted the documents to the department.

1 This section does not relieve a dealer from the provisions of § 32-3-7.

2 Section 16. That chapter 32-7B be amended by adding thereto a NEW SECTION to read as
3 follows:

4 If a person trades in a boat to a dealer or enters into a consignment agreement with a dealer
5 whereby the dealer will sell the boat and the boat has a lien noted on the title, the dealer and
6 person may agree that the dealer shall satisfy the lien amount by paying the lienholder who is
7 noted on the title. Failure to satisfy a lien pursuant to this section constitutes theft pursuant to
8 chapter 22-30A. The degree of theft is determined by the amount of the unsatisfied lien.
9 Multiple violations of this section occurring within any thirty-day period may be aggregated in
10 amount to determine the degree of theft.

11 Section 17. That chapter 32-7B be amended by adding thereto a NEW SECTION to read as
12 follows:

13 If a dealer enters into an agreement pursuant to section 16 of this Act, the dealer shall satisfy
14 the lien within ten business days after the receipt of funds. No dealer may offer the boat for sale
15 until payment has been tendered to the lienholder, except on a consigned boat, whereby the
16 dealer shall comply with the terms of the consignment agreement.

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

264L0557

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. HB 1139 - 02/02/2005

Introduced by: Representatives McLaughlin, Buckingham, Cutler, Frysliie, Halverson, Hanks, Murschel, Pederson (Gordon), and Rave and Senators Sutton (Dan), Bartling, Broderick, Hundstad, Koetzle, McCracken, Moore, Peterson (Jim), and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to energy conservation
2 measures.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-33B-2 be amended to read as follows:

5 1-33B-2. For the purposes of this chapter, the term"energy conservation measure", means
6 a training program or facility alteration intended to reduce either energy consumption or
7 operating costs, or both, or increase operating revenues through the generation of energy,
8 renewable energy, or improved metering technology, including the following:

- 9 (1) Insulation of the building or any structure associated with the building;
10 (2) Window or door replacement, weather stripping, or modifications that reduce energy
11 consumption;
12 (3) Automated or computerized energy control systems;
13 (4) Replacement or modification to increase the energy efficiency of the lighting,
14 heating, air conditioning, or ventilating systems;



- 1 (5) Energy recovery or cogeneration systems;
- 2 (6) Repair or maintenance items, when included in energy efficiency improvements of
- 3 the building, if overall measures meet the ~~ten-year~~ fifteen-year payback as provided
- 4 in § 1-33B-7; ~~and~~
- 5 (7) Energy source conversions which provide either operational or energy cost savings,
- 6 or both; and
- 7 (8) Other energy or utility-related improvements in facilities, systems, or technology that
- 8 improve energy or metering efficiency or increase operating revenues through the
- 9 generation of energy, renewable energy, or improved metering technology.

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

915L0315

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1157 - 02/02/2005

Introduced by: Representatives Michels, Frost, Garnos, Gillespie, Rounds, Thompson, Vehle, and Weems and Senators Broderick, Abdallah, Koskan, McCracken, Moore, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for recovery of motor fuel theft.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
4 as follows:

5 The owner of a motor vehicle who has not paid for the motor fuel received is liable to the
6 motor fuel retailer for the cost of the motor fuel. If notice of a service charge is conspicuously
7 displayed on the premises when the motor fuel was received, the motor fuel retailer may impose
8 a service charge not to exceed thirty dollars for any collection cost.

9 Section 2. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
10 as follows:

11 If a motor fuel retailer provides, in writing, the license plate number of any motor vehicle
12 owner who failed to pay for the motor fuel received to any law enforcement officer, the law
13 enforcement officer shall provide the motor vehicle owner's name and addresses, recorded
14 pursuant to § 32-5-3, to the retailer. The written request for the vehicle owner information may



only be submitted by the registered owner or corporate officer of the motor fuel business. The owner or corporate officer shall enclose a self-addressed and stamped envelope with the written request. The format for the request shall be prescribed by the Department of Public Safety and include the following information:

- (1) The name and signature of the employee witnessing the theft;
- (2) The name and signature of the owner or corporate officer;
- (3) The address and telephone number of the owner or corporate officer;
- (4) License plate number of the motor vehicle; and
- (5) Reference to the applicable provisions of this Act.

The law enforcement officer shall respond, in writing, to the owner or corporate officer of the motor fuel business.

Section 3. That chapter 22-30A be amended by adding thereto a NEW SECTION to read as follows:

A motor fuel retailer may, within thirty days of the occurrence, demand payment from the motor vehicle owner for the motor fuel received by sending a notice by certified mail, return receipt requested. The notice shall be prescribed by the Department of Public Safety and include the following information:

- (1) The name, address, and license plate number of the motor vehicle owner;
- (2) Date the act occurred;
- (3) Type of motor fuel;
- (4) The unpaid dollar amount;
- (5) The service charge;
- (6) A citation of section 1 and 4 of this Act; and
- (7) The employee's and employer's signature.

1 Section 4. That chapter 22-30-A be amended by adding thereto a NEW SECTION to read
2 as follows:

3 The motor vehicle owner shall pay the motor fuel retailer the full amount due within thirty-
4 three days after receiving notice demanding payment pursuant to section 3 of this Act. The
5 motor vehicle owner may dispute the motor fuel retailer's claim by sending a notice by certified
6 mail, return receipt requested, to the motor fuel retailer within the thirty-three day period. If the
7 motor vehicle owner disputes or fails to pay the retailer's claim, the retailer may take the claim
8 to court. The court may award the retailer the unpaid dollar amount for the motor fuel, the
9 service charge, and reasonable court expenses. If the motor vehicle owner does not dispute the
10 claim and fails to pay the claim within the thirty-three day period, the court may award the
11 retailer the unpaid dollar amount for the motor fuel, the service charge, and reasonable court
12 expenses.

13 Section 5. If a motor fuel retailer receives payment or a court award pursuant to this Act, the
14 motor fuel retailer may not initiate or pursue a criminal action against the motor vehicle owner
15 because of that loss.

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

844L0548

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1174 - 02/02/2005

Introduced by: Representatives Olson (Ryan), Buckingham, Haverly, and McCoy and
Senators Duenwald, Abdallah, Broderick, Duniphan, and McCracken

1 FOR AN ACT ENTITLED, An Act to prohibit the endangerment of any child by means of
2 reckless driving or driving under the influence and to provide penalties therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may operate any motor vehicle either while driving under the influence or while
7 driving recklessly, if any child under the age of thirteen is in the driver's motor vehicle.

8 A violation of this section is a separate Class 2 misdemeanor.

9 Section 2. That chapter 32-20A be amended by adding thereto a NEW SECTION to read
10 as follows:

11 No person may operate any snowmobile while driving under the influence or while driving
12 recklessly, if any child under the age of thirteen is either on the driver's snowmobile or being
13 pulled or towed by the driver's snowmobile.

14 A violation of this section is a separate Class 2 misdemeanor.

15 Section 3. That chapter 42-8 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 No person may operate any boat or personal watercraft either while driving under the
3 influence or while driving recklessly, if any child under the age of thirteen is either in or on the
4 driver's boat or personal watercraft or being pulled or towed by the driver's boat or personal
5 watercraft.

6 A violation of this section is a separate Class 2 misdemeanor.

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0313

SENATE ENGROSSED NO. **SB 40** - 01/24/2005

Introduced by: The Committee on Commerce at the request of the Department of Health

1 FOR AN ACT ENTITLED, An Act to establish minimum fire safety standards for specialty
2 resorts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any specialty resort establishment with less than ten occupants shall meet the following
7 minimum fire safety standards:

8 (1) All primary exits that lead to the exterior of the structure shall be unlocked, free from
9 obstruction, and clearly marked with illuminated exit signs. Sleeping rooms with
10 direct exits to the exterior of the building are exempt from this requirement;

11 (2) There shall be a smoke detector in each sleeping room. The owner or manager shall
12 test any battery operated smoke detector at least twice a year;

13 (3) Any sleeping room below grade or upper level shall be equipped with an operable
14 egress window; and

15 (4) Portable fire extinguishers with a minimum 2-A rating shall be made available on
16 each floor and shall be inspected and tagged annually.



1 Section 2. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 Any specialty resort establishment with ten or more occupants shall meet the following
4 minimum fire safety standards:

- 5 (1) Each floor where occupants are sleeping shall have access to at least two remote
6 exits;
- 7 (2) All primary exits that lead to the exterior of the structure shall be unlocked, free from
8 obstruction, and clearly marked with illuminated exit signs. Sleeping rooms with
9 direct exits to the exterior of the building are exempt from this requirement;
- 10 (3) There shall be a smoke detector in each sleeping room. The owner or manager shall
11 test any battery operated smoke detector at least twice a year;
- 12 (4) Any sleeping room below grade or upper level shall be equipped with an operable
13 egress window; and
- 14 (5) Portable fire extinguishers with a minimum 2-A rating shall be made available on
15 each floor and shall be inspected and tagged annually.